

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LEE RICHES,

Plaintiff,

v.

MAHMOUD AHMADINEJAD, et al.,

Defendants.

No. C 07-5656 MJJ (PR)

**ORDER OF DISMISSAL**

Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint against Mahmoud Ahmadinejad, the President of Iran, as well as other Iranian Citizens, military members, and banks.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988).

Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of

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1 the complaint's factual allegations and dismiss as frivolous those claims whose factual  
2 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).  
3 Examples are claims describing fantastic or delusional scenarios with which federal district  
4 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the  
5 veil of the complaint's factual allegations means that a court is not bound, as it usually is  
6 when making a determination based solely on the pleadings, to accept without question the  
7 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual  
8 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the  
9 wholly incredible, whether or not there are judicially noticeable facts available to contradict  
10 them. See id. at 32-33.

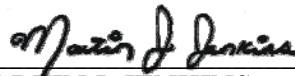
11 Plaintiff seeks a temporary restraining order against defendants to stop their alleged  
12 enrichment of uranium. He alleges that if defendants plan to "attack America on New Years  
13 2008," and that if they launch a nuclear weapon at Israel or the United States, then prison  
14 guards "will not come to work, I will be left in my cell locked without food or water and I  
15 will die." He further alleges defendants "plan on putting me in the prison air conditioning  
16 system without clothes, turning it to minus -40 degrees, forcing me to drink cold red bull  
17 energy drinks to stay awake to suffer." As plaintiff's allegations are clearly baseless,  
18 irrational or wholly incredible, the complaint will be dismissed as frivolous under sections  
19 1915A and 1915(e)(2).

20 For the foregoing reasons, this action is DISMISSED.

21 The Clerk shall close the file.

22 IT IS SO ORDERED.

23 DATED: 11/28/07

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MARTIN J. JENKINS  
United States District Judge